

EXHIBIT 1

FILED
4/26/2023
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT

for the
Northern District of Illinois
Eastern Division

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
INFORMATION ASSOCIATED WITH THE CELLULAR
TELEPHONE ASSIGNED CALL NUMBER (773) [REDACTED]-2969,
THAT IS STORED AT PREMISES CONTROLLED BY
AT&T ("SUBJECT PHONE 1")

Case No. 23 M 429

UNDER SEAL

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A. The Court has authority to issue this warrant under 18 U.S.C. §§ 2703(c)(1)(A) and 2711(3)(A).
located in the Northern District of Texas, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18, United States Code, Sections 1958, 2, and 922(g)(1)	using a facility of interstate commerce with the intent that a murder-for-hire be committed; conspiracy; aiding and abetting; and felon in possession of a firearm.

The application is based on these facts:

See Affidavit in Support of Search Warrant.

☐ Continued on the attached sheet.

☒ Delayed notice of 30 days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

☒ Pursuant to Fed. R. Crim. P. 4.1, this Application is presented by reliable electronic means. The Applicant provided a sworn statement attesting to the truth of the statements in the Application and Affidavit by telephone.



Applicant's signature

Thomas J. Callaghan

Printed name and title

☒ Sworn to and affirmed by telephone.

☐ Sworn to before me and signed in my presence.

Date: April 26, 2023



Judge's signature

City and state: Chicago, Illinois

Jeffrey I. Cummings, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
THE CELLULAR TELEPHONES
ASSIGNED CALL NUMBERS (773) [REDACTED]-2969 ("SUBJECT PHONE 1"),
THAT IS STORED AT PREMISES
CONTROLLED BY AT&T, and (773) [REDACTED]-6584 ("SUBJECT PHONE 3"), (872) [REDACTED]-0673 ("SUBJECT PHONE 4"), and
(219) [REDACTED]-4696 ("SUBJECT PHONE 5"),
THAT IS STORED AT PREMISES
CONTROLLED BY T-MOBILE

Case No. 23 M 429
Hon. Jeffrey I. Cummings
Magistrate Judge

UNDER SEAL

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Thomas J. Callaghan, being duly sworn, state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation. I have been so employed since approximately July 2010. I am currently assigned to the FBI's Chicago Homicide Task Force. As part of my job responsibilities, I investigate criminal violations relating to violent crimes and gang-related offenses, including violations of federal firearms, narcotics, and racketeering laws. I have been involved with the debriefing of defendants, informants, and witnesses, as well as others who have knowledge concerning gang-related violence in Chicago. I have participated in investigations that have led to the issuance of multiple federal search warrants, including warrants to search residences, cell phones, and social media accounts, that

have yielded evidence concerning federal firearms, narcotics, and racketeering offenses.

2. This affidavit is made in support of an application for a search warrant for information associated with certain cellular telephone assigned call numbers: (1) information associated with the cellular telephone assigned call number (773) [REDACTED]-2969, bearing IMEI number 352164234252102, that is stored at premises controlled by AT&T, a wireless telephone service provider headquartered at 208 South Akard Street, Dallas, Texas (“**Subject Phone 1**”); (2) information associated with the cellular telephone assigned call number (773) [REDACTED]-6584, that is stored at premises controlled by T-Mobile, a wireless telephone service provider headquartered at 12920 SE 38th Street Bellevue, Washington 98006 (“**Subject Phone 3**”); (3) information associated with the cellular telephone assigned call number (872) [REDACTED]-0673, that is stored at premises controlled by T-Mobile (“**Subject Phone 4**”); and (4) information associated with the cellular telephone assigned call number (219) [REDACTED]-4696, that is stored at premises controlled by T-Mobile (“**Subject Phone 5**”) (collectively, the “**Subject Phones**”). The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. § 2703(c)(1)(A) to require AT&T and T-Mobile (collectively, the “Service Providers”) to disclose to the government copies of the information further described in Section I of Attachment B. Upon receipt of the

information described in Section I of Attachment B, government-authorized persons will review the information to locate items described in Section II of Attachment B.

3. As set forth more fully below, the FBI is investigating allegations that ANTHONY MONTGOMERY, also known as “Anthony Montgomery-Wilson” (“MONTGOMERY”) and PRESTON POWELL (“POWELL”) used facilities of interstate commerce with the intent that a murder-for-hire be committed, in violation of Title 18, United States Code, Sections 1958 and 2; that MONTGOMERY, POWELL, and others conspired to use facilities of interstate commerce with the intent that a murder-for-hire be committed, in violation of Title 18, United States Code, Section 1958; and that MONTGOMERY possessed a firearm as a convicted felon, in violation of Title 18, United States Code, Section 922(g)(1) (the “**Subject Offenses**”).

4. Specifically, the FBI is investigating allegations that MONTGOMERY and POWELL murdered Stephon Mack (“Mack”) on January 27, 2022, in violation of the laws of the State of Illinois, as consideration for the receipt of something of pecuniary value. Mack was shot and killed by two assailants while leaving the Youth Peace Center of Roseland (“YPC”). The two assailants exited from a parked, stolen car and began firing at Mack as Mack walked across the parking lot. As the two assailants were driving into the parking lot, POWELL, using **Subject Phone 3**, exchanged several phone calls with the user of **Subject Phone 4**. Law enforcement believes that **Subject Phone 4** is typically used by Co-Conspirator A, but, for the

reasons set forth below, may have been used by Co-Conspirator B (Co-Conspirator A's brother) at the time of the exchange of calls between **Subject Phone 3** and **Subject Phone 4**. The two assailants abandoned the stolen car at the scene in the parking lot after having murdered Mack. Through law enforcement's investigation, summarized below, I believe that POWELL and MONTGOMERY were the two assailants. After the murder, MONTGOMERY left his cell phone, **Subject Phone 1**, inside of the stolen vehicle that MONTGOMERY and POWELL used to commit the murder. POWELL called MONTGOMERY three times on **Subject Phone 1** from **Subject Phone 3** minutes after the shooting, as POWELL and MONTGOMERY had split up on foot in different directions and POWELL was likely unaware that MONTGOMERY had left **Subject Phone 1** inside of the vehicle used to commit the murder. Thirty-four minutes after Mack was murdered, MONTGOMERY's girlfriend, the listed subscriber for **Subject Phone 1**, called AT&T to report **Subject Phone 1** as stolen. Approximately three minutes before contacting AT&T to report **Subject Phone 1** as stolen, MONTGOMERY'S girlfriend was contacted by **Subject Phone 5**.

5. Five days after MONTGOMERY abandoned **Subject Phone 1** in the stolen car, he obtained a new cell phone, **Subject Phone 2**. As set forth below, MONTGOMERY used **Subject Phone 2** to communicate with POWELL, using what I believe is coded language to discuss when MONTGOMERY was going to receive the

payment for having murdered Mack. In February 2022, law enforcement seized Subject Phone 2 from MONTGOMERY incident to his arrest in an unrelated case.¹

6. For the reasons set forth in further detail below, there is probable cause to believe that the location of **Subject Phone 1**, **Subject Phone 3**, and **Subject Phone 4** at the time of the murder and in the hours leading up to the murder will lead to evidence of the **Subject Offenses**, and that the location of **Subject Phone 5** in the period of time after the murder will lead to evidence of the **Subject Offenses**.

7. The statements in this affidavit are based on my personal knowledge, and on information I have received from other law enforcement personnel and from persons with knowledge regarding relevant facts. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are sufficient to establish probable cause to search the information described in Attachment A and seize the information identified in Attachment B for evidence of the **Subject Offenses**.

¹ On March 24, 2023, the U.S. District Court for the Northern District of Illinois, Hon. Jeffrey I. Cummings, issued a search warrant to search **Subject Phone 1** and Subject Phone 2 for evidence of the **Subject Offenses** in case numbers 23 M 315 and 23 M 316.

II. FACTS SUPPORTING PROBABLE CAUSE TO SEARCH THE INFORMATION IDENTIFIED IN ATTACHMENT A

A. Background on the Smashville Gangster Disciples and the Mike City Black Disciples

8. As part of its investigation into the general background and geographic territories occupied by certain factions of the Gangster Disciples and the Black Disciples identified below, the FBI has spoken with Chicago Police Department (“CPD”) gang officers who are familiar with the Gangster Disciples and the Black Disciples, multiple members of the Smashville Gangster Disciples, and multiple FBI Confidential Human Sources with knowledge of gang activity on the South Side of Chicago.

9. Based on my training and experience and through conversations with CPD gang officers who are familiar with the Gangster Disciples, I know that Gangster Disciples are commonly referred to as “GDs” and that Black Disciples are commonly referred to as “BDs.”

10. According to Smashville Member 1, the Smashville GDs control territory in the vicinity of 83rd Street to 87th Street, and Ashland Avenue to Damen Avenue.² Smashville GDs have been in deadly conflict with neighboring Killa Ward GDs and other neighboring gangs that operate and commit violence in the city of Chicago, including neighboring sets of the Black Disciples. For example, a Chicago Ballistic

² Smashville Member 1 is a Smashville GD and their criminal history includes multiple arrests for “manufacture/deliver cannabis,” armed robbery, firearms violations, and first-degree murder. Smashville Member 1 has two convictions for dangerous drugs, two convictions for weapons offenses and one conviction for invasion of privacy.

Information Alert (“BIA”) firearm report (BIA #2017-164) revealed that a firearm recovered from a known Smashville member, [REDACTED], matched shell casings recovered from Mike City Black Disciple territory at 8606 S. Morgan Street in Chicago on or about December 24, 2016.

11. According to FBI Confidential Human Source “CHS 1,” “Mike City” is a faction of the Black Disciples that controls territory and operates in the area of S. 85th Street to S. 87th Street, and from Carpenter Street to Sangamon Street, on the South Side of Chicago.³

B. Background on victim Stephon Mack

12. According to Smashville Member 2, at the time of his death, Mack was the suspected leader of the Smashville GDs.⁴

13. According to records and information obtained from the docket in *United States v. Stephon Mack*, 18 CR 369 (Tharp, J.), in or around December 2019, Mack was sentenced to 24 months’ imprisonment, followed by a three-year term of supervised release, for being a felon in possession of a firearm, in violation of 18

³ CHS 1 is an FBI Confidential Human Source with an extensive knowledge of gang activity on the south side of Chicago. CHS 1 has worked with the FBI for over five years and has been paid approximately \$12,000. CHS 1 has provided accurate and reliable information on numerous violent acts conducted by gang members on the south side of Chicago that has been verified by law enforcement and has been used to prosecute individuals in the Northern District of Illinois. CHS 1 is a former gang member and has one misdemeanor carry/possess firearm conviction.

⁴ Smashville Member 2 is a Smashville GD member and their criminal history includes arrests for possession of a controlled substance, unlawful use of a weapon, deliver/manufacture/possess with the intent to deliver cocaine, and “murder/intent to kill/injure.” Smashville Member 2 has convictions for eight weapons offenses and four robbery convictions.

U.S.C. § 922(g)(1). In October 2020, Mack was remanded to federal custody in connection with an alleged supervised release violation. In December 2020, Mack was sentenced to 11 months' imprisonment for the supervised release violation, followed by one year of supervised release. Mack was released from federal custody on September 3, 2021.

14. According to records and information provided by YPC, Mack was enrolled as a YPC participant at the time of his death on January 27, 2022. YPC is located at 420 West 111th Street, Chicago, Illinois. According to its website, YPC is a “non-for-profit organization offering youth related workshops that mentor teens and teach youth the skills necessary to avoid conflict and violence.”⁵

C. Background on ANTHONY MONTGOMERY

15. According to CHS 1, MONTGOMERY is a Mike City Black Disciple from the south side of Chicago. MONTGOMERY, circled in red on the left below, has been pictured with recording artist Durk Banks, a/k/a “Lil Durk” (circled in red on the right below) who, according to CHS 1, is also a Black Disciple from the South Side of Chicago.

⁵ See www.youthpeacecenter.com/about (last accessed on March 9, 2023).



16. According to CHS 1, the leader of Mike City, [REDACTED] (circled in red below) has ties to rapper Lil Durk and has been in rap videos with Lil Durk, circled below in red on the right.



D. Background on PRESTON POWELL

17. According to CPD reports, POWELL has spent time living at [REDACTED] S. Carpenter Street, which is located in Mike City BD territory. According to a CPD report (RD#HS283517), POWELL was a victim of a simple battery that occurred on April 27, 2010. According to the CPD report, POWELL's home address was [REDACTED] S. Carpenter Street, Chicago, IL. According to a different CPD report (RD#HT488600), POWELL was a victim of a simple battery that occurred on September 7, 2011. According to the CPD report, POWELL's home address was [REDACTED] S. Carpenter Street, Chicago, IL. According to public records and information I have reviewed from law enforcement databases, POWELL currently resides at [REDACTED] E. 104th Street, Apartment [REDACTED], Chicago, Illinois 60628, which is located on the South Side of Chicago and right in the middle of Risky Road street gang territory. According to CHS 1, Risky Road is located in the area of [REDACTED] E. 104th Street and is made up of Four Corner Hustlers and

other groups. According to CHS 1, Risky Road has ties to other sets due to ranking members of each gang having historical relationships.

E. Background on Durk Banks, a/k/a “Lil Durk”

18. Durk Banks, a/k/a Lil Durk, is a famous rapper from the South Side of Chicago. According to CHS 1, conversations with CPD gang officers who are familiar with the Black Disciples, social media postings, public source research, and a review of Lil Durk’s lyrics, Lil Durk is a member of the “Lamron” faction of the Black Disciples. According to CPD records, Lil Durk’s brother, Dontay Banks, Jr., a/k/a “DThang,” was shot and killed outside of a nightclub in Harvey, Illinois in June 2021.

19. CHS 1 has reported that Lil Durk was and still is offering money for people to kill those responsible for his brother’s murder, and more specifically, offering to pay money for any Gangster Disciple that is killed.

20. CHS 1 has also indicated that DThang was killed by members of Dump Street. According to CHS 1, Dump Street is a GD faction on the south side of Chicago. According to CHS 1, Dump Street member Individual A was a close associate of Mack. According to law enforcement records, Individual A is currently in pretrial custody for allegedly having committed a double murder that took place in Country Club Hills, Illinois.

F. Stephon Mack's Murder

21. According to records and information provided by YPC, Mack arrived at YPC at approximately 12:07 p.m. on January 27, 2022.

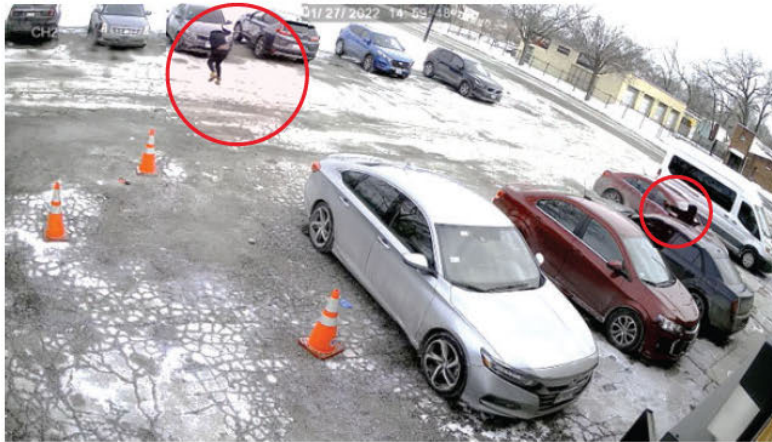
22. Based on video surveillance footage provided by YPC, at approximately 2:22 p.m.—while Mack was still inside YPC—a 2014 black Chrysler sedan with tinted windows (the “Chrysler”) carrying the shooters drove into YPC’s parking lot. The Chrysler was initially parked on the east side of the parking lot, facing YPC. At approximately 2:25 p.m., the Chrysler moved to the west side of the lot, facing eastward. The shooters remained in the Chrysler for approximately 40 minutes, apparently waiting for Mack to leave YPC.



*YPC video surveillance footage
depicting the Chrysler (identified by the red box) in the parking lot*

23. Based on video surveillance footage provided by YPC, Mack exited YPC and began walking across the parking lot at approximately 2:59 p.m. As he walked toward his car, two masked individuals emerged from the Chrysler—one from the driver-side door (“Shooter A”) and the other from the front-passenger-side door

(“Shooter B”). They began shooting at Mack, who fled eastbound away from the shooters.



*YPC video surveillance footage
depicting Shooter A and Shooter B firing at Mack*

24. Based on video surveillance footage provided by YPC as well as information provided by CPD concerning Mack’s autopsy and the recovery of evidence at and around the crime scene, Shooter A pursued Mack on foot and shot him to death with a Ruger AR-556 rifle.



*YPC video surveillance footage
depicting Shooter A pursuing Mack with a rifle*

25. Based on Ring camera footage obtained from a residence located on the 300 block of West 110th Place, in Chicago, Illinois, after killing Mack, I believe Shooter A fled eastbound away from YPC. As he did so, the Ring footage captured Shooter A yelling something to the effect of, “Marley! Yo, come on! Marley!”



*Ring camera footage depicting
Shooter A fleeing from YPC after killing Mack*

26. According to records and information provided by CPD, a Ruger AR-556 rifle, bearing serial number 858-61994, was recovered in the backyard of a vacant residence located on the 300 block of West 111th Street, Chicago, Illinois, which is approximately 0.1 miles east of YPC. FBI is awaiting an analysis from the Illinois State Police Laboratory to determine whether it was the rifle used to shoot and kill Mack. According to records and information obtained from the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Ruger AR-556 rifle was purchased by Individual B at a federal firearms license located in Atlanta, Georgia, on or about October 1, 2020.

27. Based on video surveillance footage provided by YPC, information provided by the Chicago Police Department, and information provided by Victim 1, shortly after the shooting commenced in YPC's parking lot, Victim 1, who was YPC's security guard, stepped outside into the parking lot and was shot in the left leg by Shooter B. After shooting Victim 1, Shooter B fled westbound from YPC on foot. The shooters abandoned the Chrysler in the YPC parking lot.



*YPC video surveillance footage depicting Shooter B firing at Victim 1 (left) and
Shooter B fleeing from the scene on foot (right)*

G. MONTGOMERY is Shooter A

28. As discussed in more detail below, I believe that MONTGOMERY is Shooter A.

29. According to records and information provided by CPD, the Chrysler was reported stolen on or about January 20, 2022.

30. According to records and information provided by CPD, during a search of the abandoned Chrysler after the shooting, law enforcement recovered **Subject Phone 1** in the front-seat area of the car.



*Photograph of **Subject Phone 1** recovered inside the Chrysler*

31. On or about February 4, 2022, a CPD detective applied for a search warrant for **Subject Phone 1** in the Circuit Court of Cook County. On the same day, the Circuit Court of Cook County issued a search warrant for **Subject Phone 1** in case number 22SW1903. Based on my conversations with CPD personnel, CPD has executed the search warrant on **Subject Phone 1** but had been unable to get into **Subject Phone 1**. FBI has since executed the search warrant on **Subject Phone 1** (23 M 315) and is attempting to get into **Subject Phone 1**.

32. According to records and information provided by Apple, the Apple account linked to IMEI number 352164234252102 (**Subject Phone 1**) belongs to MONTGOMERY, with an associated telephone number (773) [REDACTED]-2969, a primary email address of [REDACTED], a secondary email address [REDACTED], and an associated residential address of at [REDACTED] W. 81st Street, Apartment [REDACTED], Chicago, Illinois.

33. On January 5, 2023, FBI received an Illinois State Police, Division of Forensic Services lab report (DFS22-005439/ Hit #42873). According to the lab report,

there is a DNA CODIS match between biological material recovered from **Subject Phone 1** and MONTGOMERY.

34. According to records and information provided by CPD, in or around January 2021, MONTGOMERY identified his home address as [REDACTED] W. 81st Street, Apartment [REDACTED], Chicago, Illinois, in connection with his registration as a gun offender. According to MONTGOMERY's Illinois Driver's license, his address is [REDACTED] S. Wolcott Ave., Chicago, 60636.

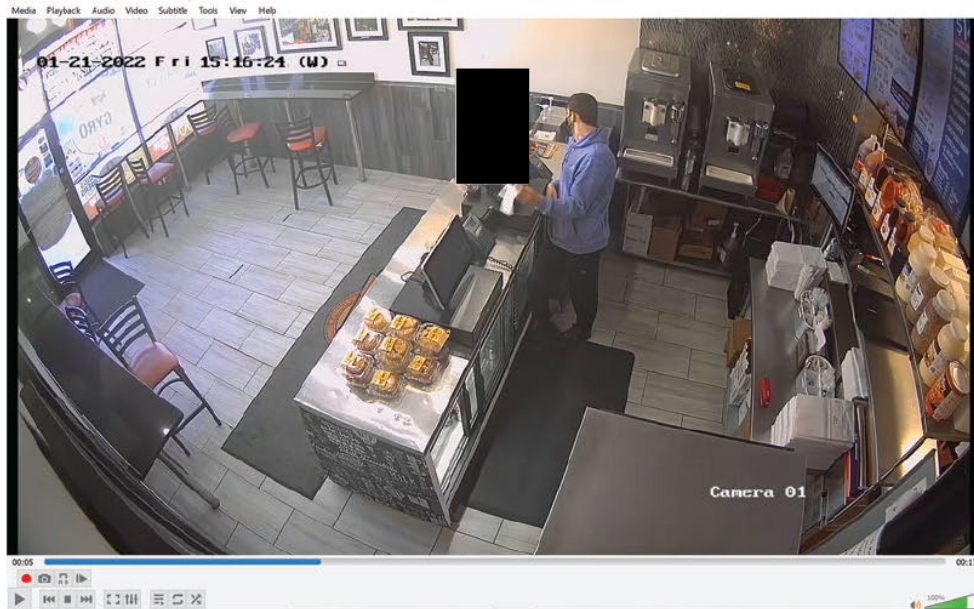
35. According to records and information provided by AT&T, between on or about December 7, 2021, and on or about February 2, 2022, the phone number associated with IMEI number 352164234252102 was (773) [REDACTED]-2969, the telephone number for **Subject Phone 1**. The listed subscriber for **Subject Phone 1** was Individual C. As set forth in more detail below, on January 27, 2022, at 3:42:38 p.m. the user of **Subject Phone 5** placed a call to Individual C's phone, (773) [REDACTED]-0404. Three minutes later, at approximately 3:45 p.m.—approximately 44 minutes after Mack was murdered—Individual C contacted AT&T using telephone number (773) [REDACTED]-0404, and reported that **Subject Phone 1** had been stolen. Individual C is also the listed subscriber for (773) [REDACTED]-0404. According to records that law enforcement reviewed from AT&T, Individual C verified her identity by passcode with an AT&T representative.

36. FBI conducted an analysis of the number of contacts between (773) [REDACTED]-0404 and **Subject Phone 1** and determined that there were approximately 250 calls

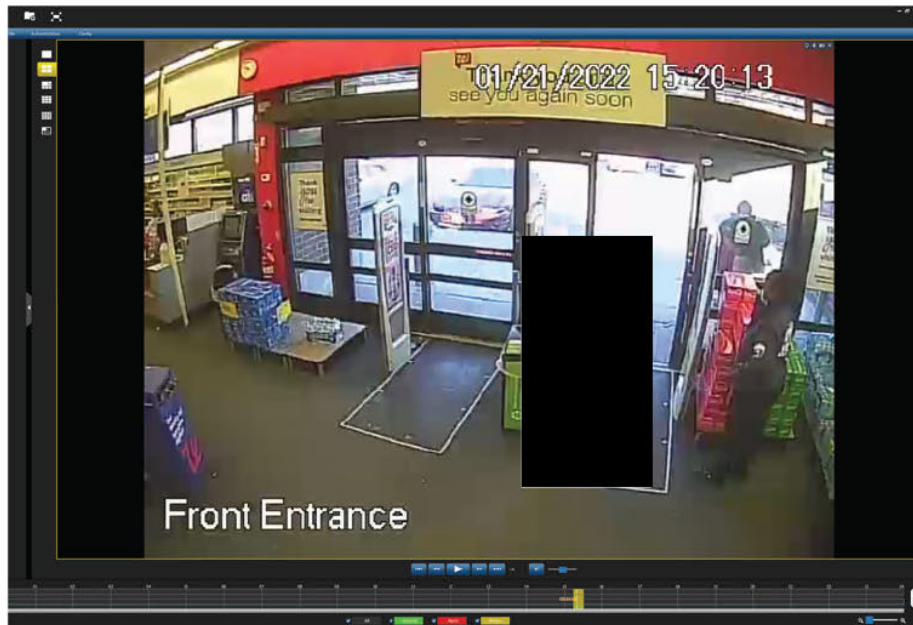
between (773) [REDACTED]-0404 and **Subject Phone 1** from December 1, 2021, to January 27, 2022.

37. On or about April 26, 2022, law enforcement interviewed Individual C. During the interview, Individual C identified herself as MONTGOMERY's girlfriend. Individual C also verified that her telephone number was (773) [REDACTED]-0404, and had been her telephone number for years. Individual C related that "A.J." [a nickname for MONTGOMERY] is a "criminal" and a "felon." Individual C related that she knows that "A.J." has been convicted of a felony before for "UUVs" [meaning "unlawful use of a weapon"]. Individual C related that she has never been present for any of MONTGOMERY's arrests.

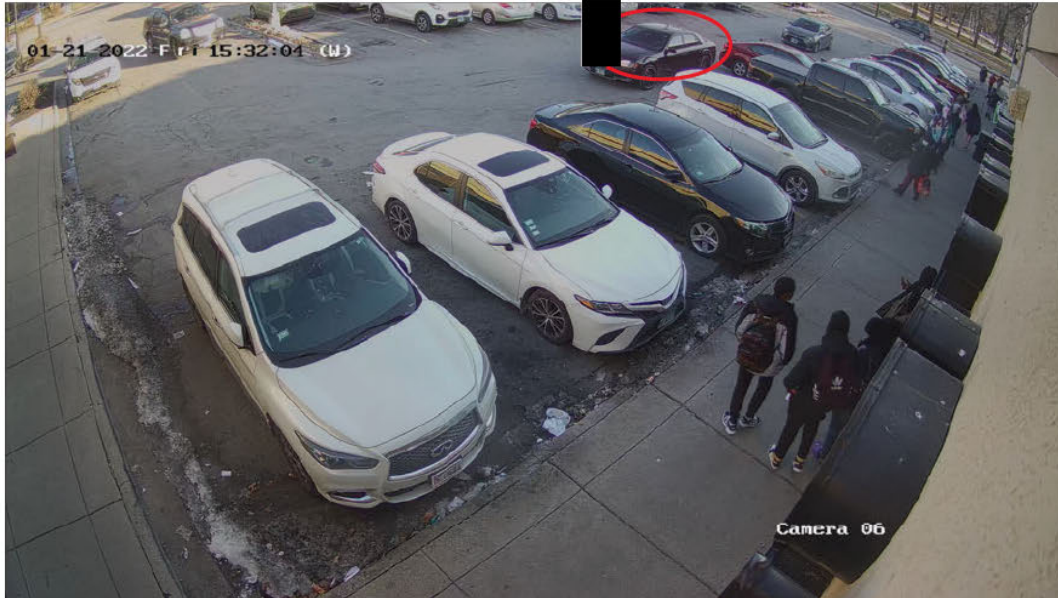
38. According to records and information provided by CPD, during a search of the abandoned Chrysler, law enforcement recovered: (1) a receipt, dated January 21, 2022, from a Jimmy's Famous Burgers, located at 5042 South Cottage Grove Ave, Chicago, Illinois; and (2) a receipt, dated January 21, 2022, from a Walgreens, located at 5035 South Cottage Grove, Chicago, Illinois. Video surveillance footage from Jimmy's Famous Burgers reflects that a black female customer was inside the restaurant at approximately 3:16 p.m. on January 21.



39. Video surveillance footage from the Walgreens reflects that the same women was inside the Walgreens at approximately 3:23 p.m. that day.



40. At approximately 3:32 p.m., the same woman exited Jimmy's and got into the front passenger-side door of the Chrysler.



41. During her interview on April 26, 2022, Individual C stated that she went to the Jimmy's Famous Burgers and Walgreens on January 21, 2021, and identified herself as the woman in the surveillance footage from Walgreens and Jimmy's Burgers. Individual C stated that Individual X drove Individual C to Walgreens and Jimmy's Burgers.⁶ During this same interview, Individual C also stated that her Mother's name was ["Individual D"].

⁶ On or about May 23, 2022, law enforcement interviewed Individual X. Individual X denied driving Individual C to Walgreens and Jimmy's Burgers, and denied having ever been to Walgreens and Jimmy's Burgers with Individual C. According to Individual X, Individual X had only been in a car with Individual C once, which was on a different occasion.

42. Walgreen's Asset Protection was able to conclude that the unknown female used the Walgreen's reward number of "Individual D."

43. A review of a Facebook page that I believe is Individual C's Facebook page shows a picture of Individual C and MONTGOMERY.

H. POWELL is Shooter B.

44. As discussed in more detail below, I believe that PRESTON POWELL is Shooter B.

45. According to records and information provided by CPD, a white plastic cup, which had the words "Rise & Grind" written on it, was recovered in the front-seat area of the Chrysler. As depicted in the photo above, the plastic cup was in the cupholder closest to the front passenger seat of the Chrysler, where Shooter B was located. According to records and information provided by Illinois State Police Lab Report DFS22-005439, Latent 9-1-1 and 9-2-2 (referenced above in paragraph 32), POWELL's fingerprints were identified on the plastic cup.

46. According to CHS 1, POWELL uses the nickname "JB Marley" or "Marley," which is the same name Shooter A yelled out minutes after the murder of Mack as depicted on the Ring camera footage.

47. According to records that law enforcement reviewed from AT&T, **Subject Phone 1** received three incoming calls from **Subject Phone 3** on January 27, 2022. Based on a telephone analysis conducted by members of law enforcement and for the reasons set forth below in paragraphs 48 and 50, I believe that **Subject**

Phone 3 was used by POWELL on the day of the shooting to call MONTGOMERY on **Subject Phone 1**. These three incoming calls to **Subject Phone 1** were made at 3:02 p.m., 3:03 p.m. and 3:06 p.m., which was just minutes after Mack was killed. None of these calls were answered because **Subject Phone 1** was left in the Chrysler.

48. According to records that law enforcement reviewed from Sprint/T-Mobile, **Subject Phone 3** is registered to Individual E at [REDACTED] E. 104th Street, Unit [REDACTED], Chicago, IL, which is the same address that was listed as POWELL's home address when POWELL was arrested by CPD on or about May 8, 2021.

49. I believe these three calls were made from POWELL to MONTGOMERY in an attempt to find out where MONTGOMERY was, since both POWELL and MONTGOMERY fled in separate directions. I believe POWELL was unaware at the time of the calls that MONTGOMERY had left **Subject Phone 1** in the Chrysler.

50. According to records that law enforcement reviewed from AT&T, POWELL activated a new account and was issued cell phone number (312) [REDACTED]-1790 on February 1, 2022, 5 days after the murder of Mack ("Powell Phone 2"). POWELL used his name and the address of [REDACTED] E. 104th Street, Chicago, IL (without a unit number) to set up this account with AT&T. The telephone records for **Subject Phone 3** do not show a deactivation date for **Subject Phone 3**. A common call analysis performed by members of law enforcement analyzing calls made and received from **Subject Phone 3** and Powell Phone 2 shows that **Subject Phone 3** and Powell Phone 2 have two of the same common called contacts.

I. Lil Durk released a new song titled, “Ahhh Ha,” after Mack was murdered.

51. On or about February 22, 2022, Lil Durk released a song titled, “Ahhh Ha.” I believe that the lyrics to this song can reasonably be interpreted to be references to Lil Durk having people killed. For example, in one portion of “Ahhh Ha,” Lil Durk rapped, “We be sliding through they blocks and they don’t know we have. Buddy ass got shot and we aint claim it, but I can show his ass.”

52. Based on my training and experience and knowledge of this investigation, I believe that these lyrics can reasonably be interpreted to be a reference to Mack’s murder. After Mack was murdered, an unknown individual recorded YPC’s surveillance video of the murder on what appears to have been a separate video recording device, possibly a cell phone, and distributed the video to others.

53. Additional lyrics from the “Ahhh Ha” song state, “My brother D-Thang just got killed and I been slow since. But we got back on they ass, I bet they know this.” I believe that this lyric and the lyric referenced in the paragraph above relate to Mack’s murder for the reasons stated further below in Sections II(M) and II(N), describing law enforcement’s review of jail calls and social media posts.

J. MONTGOMERY and POWELL may have exchanged text messages concerning payment for Mack's murder using Subject Phone 2.

54. On or about February 19, 2022, MONTGOMERY was arrested by the Illinois State Police after fleeing from a stolen vehicle. According to records I reviewed from the New Lenox Police Department, MONTGOMERY's cell phone was inventoried by the Illinois State Police when MONTGOMERY was arrested. The phone recovered from MONTGOMERY was an Apple iPhone 12 Pro, with telephone number (773) [REDACTED]-8272 and IMEI number 353075110378317 ("Subject Phone 2").

55. AT&T records for Subject Phone 2 revealed that this device used cell phone number (773) [REDACTED]-8272 and was activated on February 2, 2022, under Individual C's AT&T account, which was 6 days after Mack was killed.

56. On or about March 3, 2022, a detective from the New Lenox Police Department applied for a search warrant for Subject Phone 2 in the Circuit Court of Will County. On the same day, the Circuit Court of Will County issued a search warrant for Subject Phone 2 in case number 21-2919. During the execution of this search warrant on Subject Phone 2, law enforcement discovered a series of text messages exchanged between the user of Subject Phone 2 and Powell Phone 2, saved as a contact in Subject Phone 2 under POWELL's nickname, "Marley2." The exchange of messages that law enforcement discovered reads as follows:

2/10/2022 at 2:43pm: from Powell Phone 2 to Subject Phone 2: "Wassup with otf"

2/10/2022 at 2:45pm: from Subject Phone 2 to Powell Phone 2: "Nothing"

2/10/2022 at 2:46pm: from Powell Phone 2 to Subject Phone 2: “Wym they not paying”

2/10/2022 at 2:46pm: from Subject Phone 2 to Powell Phone 2: “We waiting he comes up here on the 17th”

2/17/2022 at 7:21pm: from Powell Phone 2 to Subject Phone 2: “Stand on that why u with Durk nem”

2/18/2022 at 9:48am: From Powell Phone 2 to Subject Phone 2: “Did durk gave u that money”

57. This exchange of messages began 14 days after Mack was murdered. Based on my training and experience and knowledge of this investigation to date, I believe:

a. When the user of Powell Phone 2 asked the user of Subject Phone 2 [what’s up] with “otf”[?], that the two were discussing Lil Durk and his affiliates. Based on open-source research and my conversations with CHS 1, I know that Lil Durk’s record label is named “Only the Family,” commonly referred to as “OTF.” Based on my review of social media postings and music videos released by members signed to Lil Durk’s label, including Lil Durk, I know that members of OTF commonly have tattoos or other paraphernalia displaying “OTF”⁷:

⁷ Lil Durk, or someone on behalf of OTF, appears to sell OTF branded merchandise on the website “otfgear.com.” The website also depicts Lil Durk music videos. *See* <https://otfgear.com> (last accessed March 5, 2023).



b. When the user of Subject Phone 2 and Powell Phone 2 exchanged the messages “Nothing” and “Wym they not paying,” the user of Subject Phone 2 was

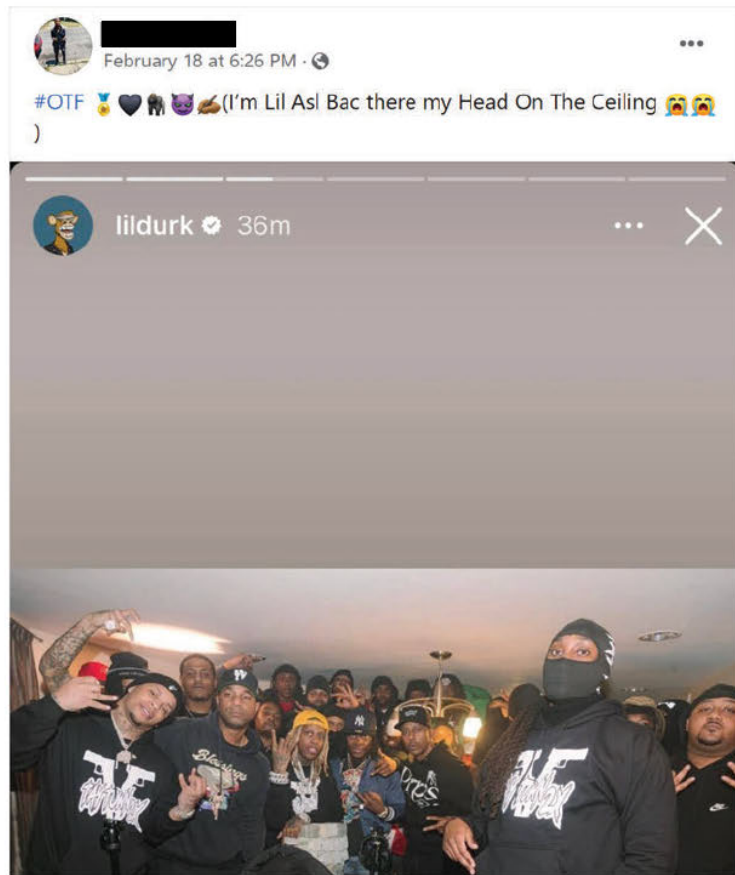
indicating they had not yet been paid when the user of Subject Phone 2 wrote “nothing,” prompting the user of Powell Phone 2 to question whether there was an issue with them being paid for Mack’s murder. When the user of Subject Phone 2 wrote, “We waiting he comes up here on the 17th,” the user of Subject Phone 2 was indicating that he was waiting for Lil Durk to come into town on February 17th to pay them for having murdered Mack.

c. When the user of Powell Phone 2 wrote, on February 17th, “Stand on that why u with Durk nem” to the user of Subject Phone 2, the user of Powell Phone 2 was telling the user of Subject Phone 2 to insist on getting paid when he saw Lil Durk on February 17th.

d. The next day, when the user of Powell Phone 2 wrote, “Did durk gave u that money” to the user of Subject Phone 2, the user of Powell Phone 2 was asking the user of Subject Phone 2 if the user of Subject Phone 2 had gotten paid by Lil Durk for the two having murdered Mack.

58. Notably, I reviewed the Facebook page for the user with public display name “[REDACTED]” in February of 2022. Based on open source research, I know that Lil Durk was interviewed on the [REDACTED] podcast in February 2022. On February 18, 2022, the user of the Facebook page with display name “[REDACTED]” made the following post, claiming to have been in the interview with Lil Durk. This post appears to be made after the Ahhh Ha video was shot, and in the post, the user of the Facebook page with display name “[REDACTED]” wrote, among other

things, “#OTF.” Based on my review of the music video for Ahhh Ha, the video appears to have been filmed in Chicago. According to CHS 1, the Facebook page with display name “[REDACTED]” belongs to [REDACTED].



K. Subject Phone 4

59. On May 5, 2022, a former employee (Employee 1) of YPC was interviewed by law enforcement. Employee 1 stated he was present at YPC on January 27, 2022, when Mack was murdered. Employee 1 recalled two participants at YPC who were present on January 27, 2022, but should not have been there.

According to Employee 1, the participants, Co-Conspirator A and Co-Conspirator B were former participants at YPC but were kicked out of YPC approximately six months prior because they were too high risk. Employee 1 stated that Co-Conspirator A and Co-Conspirator B were brothers and were members of the gang Risky Road, described above in paragraph 17, which operated in the area of 103rd Street and Corliss Avenue in Chicago. Employee 1 recalled Co-Conspirator A leaving in an Uber prior to Mack being murdered, but that Co-Conspirator B was at YPC when Mack was murdered. According to Employee 1, Co-Conspirator B left immediately after the shooting, before law enforcement arrived. However, in a later interview, Employee 1 identified Co-Conspirator B in CPD dash cam footage exiting YPC after law enforcement arrived at the scene. In a separate interview, Employee 2 told law enforcement that Employee 2 drove Co-Conspirator B and approximately three other YPC participants home after the shooting. Employee 1 stated to law enforcement that s/he heard—after Mack was murdered—that there was anywhere from \$50,000-\$500,000 being offered for someone to kill Mack. Employee 1 told Law Enforcement that YPC keeps daily sign in sheets.

60. According to YPC's records, the sign-in sheet for January 27, 2022, revealed that Co-Conspirator A and Co-Conspirator B arrived at YPC at 10:50 a.m., and that Stephon Mack arrived at 12:07 p.m.

61. According to YPC's records, the telephone numbers on file for Co-Conspirator A were (872) [REDACTED]-0673 (**Subject Phone 4**) and (312) XXX-1011.

According to YPC's records, the telephone numbers on file for Co-Conspirator B between were (872) [REDACTED]-0698 (Co-Conspirator B's Phone) and (312) XXX-1011 (one of the phone numbers on file for Co-Conspirator A).

62. According to records from T-Mobile, there were approximately seven phone calls and an attempted call between **Subject Phone 3**, the phone number used by POWELL, and **Subject Phone 4** on the day of the murder:

a. Outgoing call from **Subject Phone 3** to **Subject Phone 4** at 2:18:53 p.m. This call had a 0:00 second duration.

b. Outgoing call from **Subject Phone 4** to **Subject Phone 3** at 2:18:57 p.m. This call had an 0:08 second duration.

c. Outgoing call from **Subject Phone 3** to **Subject Phone 4** at 2:19:14 p.m. This call had a 0:27 second duration.

d. Outgoing call from **Subject Phone 3** to **Subject Phone 4** at 2:20:20 p.m. This call had a 0:16 second duration.

e. Outgoing call from **Subject Phone 3** to **Subject Phone 4** at 2:22:38 p.m. This call had a 0:52 second duration.

f. Outgoing call from **Subject Phone 3** to **Subject Phone 4** at 2:38:45 p.m. This call had a 0:48 second duration.

g. Outgoing call from **Subject Phone 4** to **Subject Phone 3** at 3:26:48 p.m. This call had a 0:32 second duration.

63. As stated above in paragraphs 22 and 23, the Chrysler carrying MONTGOMERY and POWELL arrived at YPC at approximately 2:22 p.m., and Mack exited YPC and began walking across the parking lot at approximately 2:59 p.m.

64. According to records from T-Mobile, **Subject Phone 4** is registered to Individual F at [REDACTED] S. Emerald Avenue, Chicago, IL.

65. Law enforcement interviewed Individual F at her home located at [REDACTED] S. Emerald Avenue in Chicago on or about February 17, 2023. Individual F stated that she was Co-Conspirator A and Co-Conspirator B's mother. Individual F also stated that she picked Co-Conspirator B up from YPC on the day of the murder after the murder.

L. The user of Subject Phone 5 contacted Individual C prior to Individual C reporting Subject Phone 1 as stolen.

66. According to records from AT&T, on January 27, 2022, at 3:42:38 p.m., Individual C's phone ((773) [REDACTED]-0404) received an incoming call from **Subject Phone 5** that lasted until 3:43:00 p.m.

67. Thereafter, at 3:43:40 p.m., the user of Individual C's phone called (866) 675-4225. This call lasted until 3:44:36 p.m.

68. The user of Individual C's phone then called (888) 562-8662 at 3:45:10 p.m. Law enforcement researched this telephone number and determined that it is the number for what is essentially an insurance affiliate of AT&T. This call ended at 3:45:53 p.m.

69. The user of Individual C's phone then called (800) 331-0400 at 3:46:15 p.m. Law enforcement researched this telephone number and determined that this telephone number is affiliated with AT&T. This call ended at 3:56:42 p.m.

70. At approximately 3:57:48 p.m., the user of Individual C's phone then called **Subject Phone 5**. The duration of this call was 0 seconds.

71. Law enforcement researched the telephone number for **Subject Phone 5** and determined that it was registered to Individual G at [REDACTED] S. Yale Avenue, Chicago, IL 60628. Individual G was approximately 11 years old at the time of the murder. Law enforcement researched the address and determined that Individual H also lived at the address. According to a law enforcement database, Individual H was listed as having lived at the address from February 2020 to the present. Members of law enforcement continued to research Individual H and Individual G and determined that Individual G was listed as the victim in a CPD missing person report in August 2017 with Individual H as the complainant. Individual H's address in the report was [REDACTED] W. 103rd Place, Chicago, IL 60628.

72. According to a law enforcement database, [REDACTED], referenced above in paragraphs 16 and 58, has also been linked to [REDACTED] S. Yale Avenue in Chicago and [REDACTED] W. 103rd Place in Chicago. According to the database, [REDACTED] residence was listed as [REDACTED] S. Yale Avenue from April 2022 to April 2022, and as [REDACTED] W. 103rd Place in Chicago from February 2019 to April 2022.

M. Social Media Posts

73. On or about February 20, 2022, I reviewed publicly available postings on MONTGOMERY's public Facebook account: facebook.com/MikeCity AJ. Based on my comparison to pictures of MONTGOMERY as depicted in CPD records and records from the State of Illinois, I believe that most of the pictures on this Facebook profile depict MONTGOMERY. On March 2, 2022, MONTGOMERY updated his Facebook story with a picture of him holding money and the Lil Durk song "Ahhh Ha" playing in the background. The Facebook story was captured by law enforcement and a picture of the post is below:



74. Based on my experience investigating violent crimes and their links to social media, I believe MONTGOMERY made the above Facebook post to brag and take credit for the murder of Mack. I also believe, based on my training and

experience, MONTGOMERY is playing Lil Durk's music and holding a large amount of cash to brag about the fact he was paid by Lil Durk to kill Mack.

N. Jail Call Review

75. Throughout this investigation, law enforcement officers have been monitoring jail calls of MONTGOMERY and Individual I, an individual that law enforcement believes is an associate of MONTGOMERY based on, among other things, Individual I having made 12 phone calls from the Cook County Jail to **Subject Phone 1** from January 1, 2022, through January 25, 2022. MONTGOMERY is currently in the custody of the Cook County Jail as a result of being arrested after fleeing from a stolen vehicle, as described above. Individual I is currently in the custody of the Cook County Jail on unrelated charges. Individual I was in the custody of the jail at the time of the monitored jail calls.

76. On or about April 5, 2022, I received recordings of phone calls that Individual I made while detained at the Cook County Jail. During a call made by Individual I from the Cook County Jail to an unknown individual on February 1, 2022, Individual I stated to the unknown individual, in summary, that Individual I heard Lil Durk said "that's for DThang." Individual I then said, "he wolfing like Tay Town and if that's for DThang then check in bitch. That shit ain't free."

77. Based on my experience listening to jail calls as they relate to violent gangs and violent crimes, I believe Individual I is referring to the Mack homicide in

this call. Individual I is saying if Mack was killed for DThang, then Lil Durk needs to pay up because it wasn't done for free.

78. During a call made by Individual I to an unknown individual on January 31, 2022, Individual I stated to the unknown individual, in summary, that they need to create a song and add "snowman" to it. Individual I went on to state that they "caught his dumbass in the snow. Now his dumbass stretched."

79. Based on my training and experience and knowledge of this investigation to date, I believe that Individual I's comments about a "snowman" and having caught someone in the snow relate to Mack's murder. The crime scene photos from Mack's murder show that Mack was murdered in the snow with his body in the supine position. This information was never provided to the public. This jail call is important because it indicates that Individual I spoke to someone with firsthand knowledge of the crime scene.

O. MONTGOMERY is a Convicted Felon

80. Prior to January 27, 2022, MONTGOMERY had been convicted of at least two felonies and was prohibited from possessing firearms as a result. Specifically, criminal history records reflect that on September 5, 2018, MONTGOMERY was convicted of felony aggravated unlawful use of a weapon in the Circuit Court of Cook County and sentenced to one year imprisonment in case number 2017 CR 175070. MONTGOMERY was arrested for this offense on or about November 10, 2017. Criminal history records also reflect that on September 5, 2018,

MONTGOMERY was convicted of felony aggravated unlawful use of a weapon in the Circuit Court of Cook County and sentenced to two years' imprisonment in case number 2018 CR 0380401. MONTGOMERY was arrested for this offense on or about February 24, 2018.

81. MONTGOMERY's criminal history records also reflect that MONTGOMERY was charged with being a felon in possession of a weapon in the Circuit Court of Cook County on or about August 15, 2019, for which he was convicted and sentenced to four years' imprisonment on January 6, 2023, in case number 19 CR 1258201.

P. My training and experience regarding historical cell site search warrants

82. In my training and experience, I have learned that the Service Providers are companies that provides cellular telephone access to the general public. I also know that providers of cellular telephone service have technical capabilities that allow them to collect and generate information about the locations of the cellular telephones to which they provide service, including cell-site data, also known as "tower/face information" or "cell tower/sector records." Cell-site data identifies the "cell towers" (i.e., antenna towers covering specific geographic areas) that received a radio signal from the cellular telephone and, in some cases, the "sector" (i.e., faces of the towers) to which the telephone connected. These towers are often a half-mile or more apart, even in urban areas, and can be 10 or more miles apart in rural areas. Furthermore, the tower closest to a wireless device does not necessarily serve every

call made to or from that device. Accordingly, cell-site data provides an approximate location of the cellular telephone but is typically less precise than other types of location information, such as E-911 Phase II data or Global Positioning Device (“GPS”) data.

83. Based on my training and experience, I know that the Service Providers can collect cell-site data about the **Subject Phones**. I also know that wireless providers such as the Service Providers typically collect and retain cell-site data pertaining to cellular phones to which they provide service in their normal course of business in order to use this information for various business-related purposes.

84. Based on my training and experience, I know that wireless providers such as the Service Providers typically collect and retain information about their subscribers in their normal course of business. This information can include basic personal information about the subscriber, such as name and address, and the method(s) of payment (such as credit card account number) provided by the subscriber to pay for wireless telephone service. I also know that wireless providers such as the Service Providers typically collect and retain information about their subscribers’ use of the wireless service, such as records about calls or other communications sent or received by a particular phone and other transactional records, in their normal course of business. In my training and experience, this information may constitute evidence of the crimes under investigation because the information can be used to identify the **Subject Phones’** user or users, the user or

user's location at key times relevant for the **Subject Offenses**, and may assist in the identification of co-conspirators and/or victims.

85. Based on my training and experience and knowledge of the investigation, I believe that the location of the **Subject Phones** on the day of the murder in the hours before and after the murder is probative as: (1) to MONTGOMERY and POWELL's use of **Subject Phone 1** and **Subject Phone 2** to commit the **Subject Offenses**" (2) the user of **Subject Phone 5**'s use of **Subject Phone 5** to cover up MONTGOMERY and POWELL's role in the **Subject Offenses**, and whether Co-Conspirator A and/or Co-Conspirator B conspired with MONTGOMERY and POWELL to commit the **Subject Offenses** or aided and abetted MONTGOMERY and POWELL in committing the **Subject Offenses**. Therefore, I believe that the location of the **Subject Phones** on the day of the murder will lead to evidence of the **Subject Offenses**.

86. As set forth above in paragraphs 59 through 65, both Co-Conspirator A and Co-Conspirator B were at YPC when Mack arrived, but Co-Conspirator A left YPC before Mack was murdered. Yet, it was Co-Conspirator A's phone (**Subject Phone 4**) that exchanged several phone contacts with **Subject Phone 3** between 2:18 p.m. and 3:26 p.m. The timing is such that the user of **Subject Phone 3** (who I believe is POWELL) began calling **Subject Phone 4** four minutes before MONTGOMERY and POWELL arrived at YPC, and called **Subject Phone 4** from **Subject Phone 3** twice while sitting in YPC's parking lot waiting for Mack to exit

YPC. The location of **Subject Phone 4** when **Subject Phone 4** was exchanging phone calls with **Subject Phone 3** before and after the murder is probative as to the **Subject Offenses**.

87. The location of **Subject Phone 3**, **Subject Phone 4**, and **Subject Phone 5** after the murder is probative as to the **Subject Offenses** as well, particularly if **Subject Phone 3**, **Subject Phone 4**, and **Subject Phone 5**, were near each other after the murder. If **Subject Phone 3** was near **Subject Phone 5** after the murder, that could mean that MONTGOMERY or another co-conspirator or accessory after the fact used **Subject Phone 5** to call Individual C to report **Subject Phone 1** as stolen. If **Subject Phone 4** was near **Subject Phone 3** or **Subject Phone 5** after the murder, that would also be probative as to Co-Conspirator A and/or Co-Conspirator B's role as a co-conspirator or aider and abettor of the **Subject Offenses**.

AUTHORIZATION REQUEST

88. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to 18 U.S.C. § 2703(c) and Federal Rule of Criminal Procedure 41.

89. I further request that the Court direct the Service Providers to disclose to the government any information described in Section I of Attachment B that is within its possession, custody, or control. Because the warrant will be served on the Service Providers, who will then compile the requested records at a time convenient

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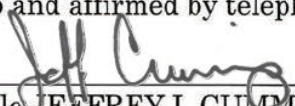
to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

FURTHER AFFIANT SAYETH NOT.



Thomas J. Callaghan
Special Agent
Federal Bureau of Investigation

Sworn to and affirmed by telephone 26th day of April, 2023



Honorable JEFFREY I. CUMMINGS
United States Magistrate Judge